

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

ARI TEMAN,

Defendant.

19-CR-696 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On January 29, 2020, following a four-day trial, a jury convicted defendant Ari Teman on two counts apiece of bank fraud and wire fraud. Dkt. 92. On July 29, 2021, the Court sentenced Teman to a below-Guidelines sentence of, *inter alia*, 12 months and one day imprisonment. The Court imposed the same sentence on each count, the sentences to run concurrently. Dkt. 253. On June 8, 2023, a unanimous panel of the United States Court of Appeals for the Second Circuit affirmed Teman's convictions. On August 18, 2023, the Circuit's mandate issued. Dkt. 380. The Court has set a surrender date for Teman of October 10, 2023. Dkt. 377. That date reflects solicitude for Teman, who sought and received an extension of the surrender date as originally contemplated, to enable him to observe religious holidays. *See* Dkts. 374, 375, 377, 378.

In recent days, Teman—whose original motion for a new trial under Federal Rule of Criminal Procedure 33 the Court denied in June 2020, *see* Dkt. 138 (“Rule 29/33 Decision”)—has filed two additional *pro se* motions under Rule 33. *See* Dkt. 386 (motion filed September 15, 2023); Dkt. 388 (motion filed September 21, 2023). In light of the subject-matter overlap between these two motions and Teman's anticipated motion under 28 U.S.C. § 2255 which he has stated will claim ineffective assistance of counsel, the Court has directed the Government to

file a single consolidated response to the three motions. Dkts. 387, 389. The Court has stated that it will set the deadline for the Government's filing of its response after Teman files the § 2255 motion. Dkts. 387, 389.

Yesterday, Teman moved for an extension of his surrender date, pending resolution of the first of his new Rule 33 motions. Dkt. 394. In that motion, Teman claims that evidence he has obtained supports vacating his convictions. That evidence relates to one of the three business entities on whose bank accounts Teman drew and negotiated checks while representing to the depository bank that the accountholder had authorized him to draw and deposit each such check. *Id.* The trial evidence supporting the jury's verdict, which included, *inter alia*, testimony from representatives of each business and various circumstantial evidence, was that that representation was false. *See* Rule 29/33 Decision, at 2–12, 36–48.

The Court directs the Government to file a response to Teman's motion for an extension of the surrender date by one week from today, *i.e.*, Wednesday, October 4, 2023. The Court will act on that motion promptly upon receipt of the Government's response.¹

For avoidance of doubt, Teman's surrender date remains October 10, 2023, at 2 pm. Teman should continue to order his affairs in the expectation that the surrender date will remain as set.

¹ On September 22, 2023, the Government's lead trial counsel, Kedar S. Bhatia, Esq., filed a notice of withdrawal from the case, based on his departure from the United States Attorney's Office. Dkts. 390, 392. To assure that this order is timely complied with, the Court directs Jacob Gutwillig, Esq., the remaining Assistant United States Attorney who has appeared in this case before this Court, promptly to file a letter on the docket acknowledging receipt of this order.

SO ORDERED.

A handwritten signature in black ink, reading "Paul A. Engelmayer". The signature is written in a cursive style with a horizontal line underneath it.

PAUL A. ENGELMAYER
United States District Judge

Dated: September 27, 2023
New York, New York